

in connection with exports of wheat and wheat flour are occasioned by reason of the U.S. domestic price of wheat being higher than the world price.

The Commodity Credit Corporation program which has been conducted pursuant to the International Wheat Agreement Act of 1949, as amended in 1953 and 1956, enables commercial wheat exporters and millers to purchase wheat at domestic market prices and to sell the wheat, or wheat flour product, to purchasers in IWA importing countries, at prices consistent with the agreement price range, in competition with other exporters in the world market.

The act requires the Commodity Credit Corporation to utilize the usual and customary channels, facilities, and arrangements of trade and commerce to the maximum extent practicable in making wheat available under the agreement. During the life of the 1956 agreement, all but a negligible part of the exports of wheat and wheat flour under the agreement have been handled by the private trade. Specifically, Commodity Credit Corporation has been directly involved in foreign sales only under special circumstances, in transactions representing 3 percent of all wheat agreement exports in 1956-57, eight-tenths of 1 percent in 1957-58, and four-tenths of 1 percent in 1958-59.

Insofar as practicable, practices and procedures applicable to ordinary commercial exports are permitted and encouraged. The program requirements are such as to make participation practicable for small business or for any exporter regularly engaged in the exportation of wheat or wheat flour.

Under the program, an exporter in the private trade negotiates a sale of wheat or wheat flour with a buyer in a wheat agreement importing country, in the knowledge of export payment rates which are publicly announced each day by the Commodity Credit Corporation after grain markets have closed. The exporter reports the sale by telegraph to the CCC, and if the transaction is eligible he receives confirmation of eligibility under the program within a few hours. He later accomplishes the exportation and upon presentation of evidence of sale and proof of export, he collects the export payment from an office in his area at the rate per bushel of wheat or hundred-weight of flour which prevailed at the time the sale was made. In the case of wheat, the subsidy payment is made in the form of a negotiable certificate which is redeemable only in wheat from Commodity Credit stocks at the domestic market price. This wheat is utilized only in connection with further exports under the program.

EXPORT SUBSIDY COSTS

During the life of the 1956 agreement, the average payment per bushel has been about 73 cents, although during the last 1 of the 3 years it was considerably less than the preceding 2 years. It is estimated that during the first year of the 1959 agreement the payment per bushel may average between 55 and 60 cents. An estimate of the cost beyond the first year has not been made because of the uncertainties in forecasting (1) the level of domestic market prices and (2) the future selling prices which will need to be established in order to remain competitive in the world market. In the latter connection, no appreciable change is anticipated which would result in increased subsidy costs.

(Mr. SPENCE asked and was given permission to revise and extend his remarks and to insert a description of the operations under the Wheat Agreement Act.)

Mr. McDONOUGH. Mr. Speaker, the chairman of the committee has clearly stated the purposes of this bill.

One of the items I believe to be of special interest to those of us who are seeking to economize on our price support agriculture program on agricultural commodities is that the exports provided for under this bill will help keep the costs at a minimum for providing a stable wheat market, and to release from storage many millions of bushels of wheat that otherwise would have to be stored at great expense to the American taxpayer.

Let me read the following from the committee report:

PURPOSE OF BILL

The bill would extend for an additional 3 years the necessary implementing legislation to carry out U.S. participation in the International Wheat Agreement. This agreement was originally signed in 1949 and since has been extended at 3-year intervals, the latest extension having been ratified by the Senate on July 15, 1959, by a vote of 92 to 1. Under the 1959 agreement, some 30 participating wheat-importing countries have agreed to buy on the average of 70 percent of their commercial wheat imports from the United States and 8 other wheat-exporting countries, at prices within a specified range. H.R. 8409 would extend the Commodity Credit Corporation's authority to make wheat and wheat flour available for export to exercise our right and fulfill our obligations under the agreement.

RIGHTS AND OBLIGATIONS UNDER THE 1959 AGREEMENT

Under the International Wheat Agreement of 1959 each importing member country undertakes to purchase from member exporters a specified percentage of its total commercial purchases from all sources. The weighted average of the percentages subscribed by individual importing countries is a little over 70 percent. At the level of trade during the 4 years 1954-58, commercial transactions per year for these countries approximated 600 million bushels. It is expected that these countries will buy a much greater proportion of their total commercial requirements than the 70 percent subscribed; this percent is the minimum guaranteed under the agreement. This importer obligation exists at the agreement minimum price, and continues throughout the range up to the maximum price established by the agreement. The United States and other exporting countries have the right to sell the guaranteed percentage of importers' purchases, with the added benefit of whatever quantities over and above the subscribed percentages member importers may purchase from them.

The exporting countries' obligation becomes effective if the price reaches the agreement maximum. Then, they must furnish any quantities not already purchased in that year, up to a moving average equal to importers' historical commercial purchases during a 5-year period. Importing countries have the right to purchase up to these quantities at the maximum price. On the basis of average commercial exports in the period 1954-58, the U.S. annual obligation would be to sell a little over 150 million bushels.

Transactions involving inconvertible local currency such as sales under title I of Public Law 480, and other transactions which include features introduced by the government of a country concerned which do not conform with usual commercial practices, do not come within the rights and obligations of the agreement.

THE PRICE RANGE

The price range specified in the 1958 agreement is \$1.50 to \$1.90 per bushel. These prices are in terms of a basic grade, No. 1

Manitoba Northern, at a basing point at the head of the Great Lakes in Canada. The current Canadian quotation for this grade of wheat in the base location (converted to U.S. funds which coincide with the monetary basis specified in the agreement) is \$1.74. This is 16 cents below the agreement maximum and 24 cents above the minimum.

The price range under the agreement is the result of, and consistent with, world price levels for wheat which have evolved as a result, to some extent, of supply-demand factors, disposal and pricing policies of the principal wheat-exporting countries, and negotiations in connection with the agreement to maintain a reasonable and stable price, scarcity or surplus conditions notwithstanding.

There is no objection to the bill that I know of. I have no requests for time. I hope, in view of the fact that we are a party to this international wheat agreement and this action will extend the agreement for another 3 years, that the bill will pass.

Mr. SHELLEY. Mr. Speaker, will the gentleman yield?

Mr. McDONOUGH. I yield.

Mr. SHELLEY. Does this bill in any way change the present requirements of 50-50 carriage of cargo wherever this type of cargo is being released or distributed by the United States Government?

Mr. McDONOUGH. I appreciate the interest of the gentleman from California in that particular respect. This does not change the 50-50 formula for the handling of the commodities.

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. McDONOUGH. I yield to the gentleman from North Carolina.

Mr. BONNER. Does it pertain in any manner to the 50-50 formula for the carriage of cargoes of this type in American-flag vessels?

Mr. McDONOUGH. No, it does not.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended and the bill was passed.

ESTABLISHING AN ADVISORY COMMISSION ON INTER-GOVERNMENTAL RELATIONS

Mr. FOUNTAIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6904) to establish an Advisory Commission on Intergovernmental Relations.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SECTION 1. There is hereby established a permanent bipartisan commission to be known as the Advisory Commission on Intergovernmental Relations, hereinafter referred to as the "Commission".

DECLARATION OF PURPOSE

SEC. 2. Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the

levels of government, and because population growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.

It is intended that the Commission, in the performance of its duties, will—

(1) bring together representatives of the Federal, State, and local governments for the consideration of common problems;

(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

(4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

(6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and

(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of twenty-five members, as follows:

(1) Six appointed by the President of the United States, three of whom shall be officers of the executive branch of the Government, and three private citizens, all of whom shall have had experience or familiarity with relations between the levels of government;

(2) Three appointed by the President of the Senate, who shall be Members of the Senate;

(3) Three appointed by the Speaker of the House of Representatives, who shall be Members of the House;

(4) Four appointed by the President from a panel of at least eight Governors submitted by the Governors' Conference;

(5) Three appointed by the President from a panel of at least six members of State legislative bodies submitted by the board of managers of the Council of State Governments;

(6) Four appointed by the President from a panel of at least eight mayors submitted jointly by the American Municipal Association and the United States Conference of Mayors;

(7) Two appointed by the President from a panel of at least four elected county officers submitted by the National Association of County Officials.

(b) The members appointed from private life under paragraph (1) of subsection (a) shall be appointed without regard to political affiliation; of each class of members enumerated in paragraphs (2) and (3) of subsection (a), two shall be from the majority party of the respective houses; of each class of members enumerated in paragraphs (4), (5), and (6) of subsection (a), not more than two shall be from any one political party and of the members enumerated in paragraph (7) of subsection (a), not more than one shall be from any one political party; of each class of members enumerated in paragraphs (5), (6), and (7) of subsection (a), not more than one shall be from any one State; at least two of the

appointees under paragraph (6) of subsection (a) shall be from cities under five hundred thousand population.

(c) The term of office of each member of the Commission shall be two years, but members shall be eligible for reappointment.

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The President shall convene the Commission within ninety days following enactment of this Act at such time and place as he may designate for the Commission's initial meeting.

(b) The President shall designate a Chairman and a Vice Chairman from among members of the Commission.

(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made; except that where the number of vacancies is fewer than the number of members specified in paragraphs 4, 5, 6, and 7 of section 3(a), each panel of names submitted in accordance with the aforementioned paragraphs shall contain at least two names for each vacancy.

(d) Where any member ceases to serve in the official position from which originally appointed under section 3(a), his place on the Commission shall be deemed to be vacant.

(e) Thirteen members of the Commission shall constitute a quorum, but two or more members shall constitute a quorum for the purpose of conducting hearings.

DUTIES OF THE COMMISSION

SEC. 5. It shall be the duty of the Commission—

(1) to engage in such activities and to make such studies and investigations as are necessary or desirable in the accomplishment of the purposes set forth in section 2 of this Act;

(2) to consider, on its own initiative, ways and means for fostering better relations between the levels of government;

(3) to submit an annual report to the President and the Congress on or before January 31 of each year. The Commission may also submit such additional reports to the President, to the Congress or any committee of the Congress, and to any unit of government or organization as the Commission may deem appropriate.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) The Commission shall have power to appoint, fix the compensation of, and remove a staff director without regard to the civil service laws and the Classification Act of 1949. Such appointment shall be made solely on the basis of fitness to perform the duties of the position and without regard to political affiliation.

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the civil service laws and the Classification Act of 1949, and without reference to political affiliation, shall have the power—

(1) to appoint, fix the compensation of, and remove such other personnel as he deems necessary.

(2) to procure temporary and intermittent services to the same extent as is authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) but at rates not to exceed \$50 a day for individuals.

(e) Except as otherwise provided in this Act, persons in the employ of the Commission under subsections (c) and (d) (1) of this section shall be considered to be Federal employees for all purposes, including—

(1) the Civil Service Retirement Act, as amended (5 U.S.C. 2251-2267),

(2) the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091-2103),

(3) annual and sick leave, and

(4) the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842).

(f) No individual employed in the service of the Commission shall be paid compensation for such employment at a rate in excess of \$20,000 per annum.

COMPENSATION OF COMMISSION MEMBERS

SEC. 7. (a) Members of the Commission who are Members of Congress, officers of the executive branch of the Federal Government, Governors, or full-time salaried officers of city and county governments shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary travel expenses (or, in the alternative, a per diem in lieu of subsistence and mileage not to exceed the rates prescribed in the Travel Expense Act of 1949, as amended), without regard to the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842), the Standardized Government Travel Regulations, or section 10 of the Act of March 3, 1933 (5 U.S.C. 73b), and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those to whom subsection (a) is applicable, shall receive compensation at the rate of \$50 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission, as provided for in subsection (a) of this section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. MEADER. Mr. Speaker, I demand a second.

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, before addressing myself to the legislation at hand, I want to thank each and every member of the Subcommittee on Intergovernmental Relations, and also the members of the full Committee on Government Operations, for their interest in this legislation and their cooperation in helping me to bring it to the House for action. I also want to thank those members who formerly served on the subcommittee for the sig-

1959

CONGRESSIONAL RECORD — HOUSE

14699

nificant part they played in our hearings during the 85th Congress. These include Representatives Robert E. Jones, Henry S. Reuss, Chet Holifield, Robert H. Michel, and former Representative Edwin H. May, Jr., of Connecticut. Especially do I want to pay my respects to the ranking minority member of our subcommittee, the distinguished and able Congresswoman from New Jersey, Mrs. DWYER, for her untiring efforts and non-partisan cooperation in making this legislation a reality. She has worked diligently at all times in a genuinely sincere effort to find a satisfactory vehicle for the improvement of intergovernmental relations. Mrs. DWYER has reflected credit not only upon herself but also upon the constituency which she has the high honor to represent.

Mr. Speaker, the bill before the House at this time, H.R. 6904, was unanimously reported with amendments by the Committee on Government Operations on July 31, 1959. This bill is intended to implement one of the principal recommendations made by the committee in its 30th report to the 85th Congress—Report No. 2533—and is a result of almost 3 years of study of Federal-State-local relations by the committee's Intergovernmental Relations Subcommittee.

The need for the advisory commission proposed in this legislation has been widely recognized and its establishment, in my judgment, is long overdue. It is interesting to note that a similar commission was recommended 10 years ago by the first Hoover Commission. I might add that the 2-year study of this neglected area of intergovernmental relations by the Kestnbaum Commission was the first official undertaking of its kind since the Constitutional Convention in 1787.

The Commission would serve in an advisory capacity to the President, to the Congress, and to State and local government. Its function would be to provide information and to make recommendations for the purpose of facilitating sound governmental policies with respect to intergovernmental activities and problems. The Commission would have no administrative responsibilities.

It should be made perfectly clear that the Advisory Commission is not intended to be exclusively a Federal agency or an agency dominated or controlled by any one level of government. Rather, it is intended to be a genuine interlevel body. In effect, the Commission is a political innovation—a new type of organization tailored to fit the character and the needs of our Federal system. This fact is reflected in the Commission's composition.

The Commission's 25 members would be distributed as follows: 6 from the Congress, 3 from the executive branch of the Federal Government, 4 State Governors, 3 members of State legislatures, 4 mayors, 2 county officers, and 3 persons from private life. In drawing its members from among active and responsible public officials at all levels of government, the Commission would have the advantage of its members' firsthand knowledge of intergovernmental prob-

lems and their ability to communicate the Commission's findings and recommendations back to their respective levels of government. While a 25-member body may appear to be unduly large, I believe that a commission of this size is justified by the various units of government and points of view that will be represented.

The need for an Advisory Commission was well documented in the joint hearings which the subcommittee held this past June with the Senate Committee on Government Operations. The witnesses who appeared were unanimous in their support of this legislation. In addition, a great many statements were received from Members of Congress, Governors, mayors, State legislators, and private organizations, including the U.S. Chamber of Commerce and the AFL-CIO, favoring the Commission's establishment. Only one statement was received in opposition. It may be of interest that resolutions urging the enactment of this legislation, have been adopted by such national organizations as the Governors' conference, the American Municipal Association, the U.S. Conference of Mayors, and the National Association of County Officials.

As many of you know, I have always taken a very critical view personally of proposals for the creation of new commissions and committees. It has been my feeling that the need for such bodies must be clearly demonstrated. In my judgment, the need has been adequately established in the present case.

In sponsoring this legislation it has been my intention that the Commission would be a modest undertaking served by a very small but outstanding professional staff. There is no need to create a bureaucracy in support of the Commission, since the staff will function primarily to draw upon operational data available from government agencies, to stimulate and coordinate the research efforts of public and private agencies in relation to intergovernmental matters, and to fill the gaps that not exist in the analysis and presentation of information in this field.

In summary, I should like to emphasize that the basic objective of the Commission is to strengthen the ability of our Federal system to meet the problems of an increasingly complex society in this space age by promoting greater cooperation, understanding, and coordination of activities between the separate levels of government. Even if the Commission did no more than provide the machinery for bringing together Federal, State and local officials to discuss matters of mutual interest and concern, I feel the proposed Commission would be worth the expense. The importance of establishing effective lines of communication between the levels of government should not be underestimated. However, I sincerely believe that the Commission, if given a fair chance, will accomplish a great deal more, and I urge my colleagues to support this legislation which has received the committee's unanimous approval.

Because of its importance is outlining the committee's thinking with respect to

the nature and role of the Advisory Commission, I am placing the text of the report on the bill—Report No. 742—in the record together with the bill at the conclusion of my remarks. This report also includes representative excerpts from the testimony of the joint hearings which emphasize the special importance of the Commission and its potential usefulness.

For purposes of clarification, I am also placing in the Record a tabular analysis of the Advisory Commission's membership and a chronology of the events connected with this legislation.

Before concluding my remarks, I would like to comment briefly on the relationship between this legislation and other proposals now under consideration for the establishment of a commission on metropolitan area problems.

Unquestionably, the area of responsibility of the Commission in H.R. 6904 is sufficiently broad to include a study or studies of metropolitan problems. As a matter of fact, it was intended and anticipated by our subcommittee that the Advisory Commission would give attention to present and emerging metropolitan area problems that are intergovernmental in origin or effect. However, the subcommittee did not consider the question of whether or not an intensive full-scale study of metropolitan problems is needed and should be undertaken at the present time. Consequently, I presently have no personal opinion on this question. The Congress in its wisdom will have to determine, of course, whether or not there is sufficient evidence to warrant an intensive metropolitan area study at this time.

In the absence of such a determination by the Congress in this session, I would personally expect the Advisory Commission, when it is duly constituted, to consider the need for such a comprehensive study and to advise whether it or another body would be best equipped to study this problem.

However, we should bear in mind that the area of responsibility intended for the Advisory Commission is very broad and there are many pressing problems that will require the Commission's early attention. Consequently, I doubt that it would be advisable for the Congress to require that the Commission channel its energies at the outset into any single segment of the entire field of intergovernmental relations.

H.R. 6904

A bill to establish an advisory commission on intergovernmental relations

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled,

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SECTION 1. There is hereby established a permanent bipartisan commission to be known as the Advisory Commission on Intergovernmental Relations, hereinafter referred to as the "Commission".

DECLARATION OF PURPOSE

SEC. 2. Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the levels of government, and because population

growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.

It is intended that the Commission, in the performance of its duties, will—

(1) bring together representatives of the Federal, State, and local governments for the consideration of common problems;

(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

(4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation; and

(6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions and responsibilities, among the several levels of government.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of twenty-four members, as follows:

(1) Six appointed by the President of the United States, three of whom shall be officers of the executive branch of the Government, and three private citizens, all of whom shall have had experience or familiarity with relations between the levels of government;

(2) Three appointed by the President of the Senate, who shall be Members of the Senate;

(3) Three appointed by the Speaker of the House of Representatives, who shall be Members of the House;

(4) Four appointed by the President from a panel of at least six Governors submitted by the Governors' Conference;

(5) Three appointed by the President from a panel of at least five members of State legislative bodies submitted by the board of managers of the Council of State Governments;

(6) Four appointed by the President from a panel of at least six mayors submitted jointly by the American Municipal Association and the United States Conference of Mayors;

(7) One appointed by the President from a panel of at least two elected county officers submitted by the National Association of County Officials.

(b) The members appointed from private life under paragraph (1) of subsection (a) shall be appointed without regard to political affiliation; of each class of members enumerated in paragraphs (2) and (3) of subsection (a), two shall be from the majority party of the respective houses; of each class of members enumerated in paragraphs (4), (5), and (6) of subsection (a), not more than two shall be from any one political party; of each class of members enumerated in paragraphs (5) and (6) of subsection (a), not more than one shall be from any one State; at least two of the appointees under paragraph (6) of subsection (a) shall be from cities under five hundred thousand population.

(c) The term of office of each member of the Commission shall be two years, but members shall be eligible for reappointment.

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The President shall convene the Commission within ninety days following enactment of this Act at such time and place as he may designate for the Commission's

initial meeting. The President, or his designee, shall serve as the Commission's temporary Chairman pending the election of a permanent Chairman.

(b) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made; except that where the number of vacancies is fewer than the number of members specified in paragraphs 4, 5, and 6, of section 3(a), each panel of names submitted in accordance with the aforementioned paragraphs shall contain at least one name more than the number of vacancies.

(d) Where any member ceases to serve in the official position from which originally appointed under section 3(a), his place on the Commission shall be deemed to be vacant.

(e) Twelve members of the Commission shall constitute a quorum, but two or more members shall constitute a quorum for the purpose of conducting hearings.

DUTIES OF THE COMMISSION

SEC. 5. It shall be the duty of the Commission—

(1) to engage in such activities and to make such studies and investigations as are necessary or desirable in the accomplishment of the purposes set forth in section 2 of this Act;

(2) to consider, on its own initiative, ways and means for fostering better relations between the levels of government;

(3) to submit an annual report to the President and the Congress on or before January 31 of each year. The Commission may also submit such additional reports to the President, to the Congress or any committee of the Congress, and to any unit of government or organization as the Commission may deem appropriate.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) The Commission shall have power to appoint, fix the compensation of, and remove a staff director without regard to the civil service laws and the Classification Act of 1949. Such appointment shall be made solely on the basis of fitness to perform the duties of the position and without regard to political affiliation.

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the civil service laws and the Classification Act of 1949, and without reference to political affiliation, shall and remove such other personnel as he deems have the power—

(1) to appoint, fix the compensation of, necessary

(2) to procure temporary and intermittent services to the same extent as is authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) but at rates not to exceed \$50 a day for individuals.

(e) Except as otherwise provided in this Act, persons in the employ of the Commis-

sion under subsections (c) and (d) (1) of this section shall be considered to be Federal employees for all purposes, including—

(1) the Civil Service Retirement Act, as amended (5 U.S.C. 2251-2267),

(2) the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091-2103),

(3) annual and sick leave, and

(4) the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842).

(f) No individual employed in the service of the Commission shall be paid compensation for such employment at a rate in excess of \$20,000 per annum.

COMPENSATION OF COMMISSION MEMBERS

SEC. 7. (a) Members of the Commission who are Members of Congress, officers of the executive branch of the Federal Government, Governors, or full-time salaried officers of city and county governments shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary travel expenses, including subsistence (or, in the alternative, a per diem in lieu of subsistence not to exceed the rate prescribed in the Travel Expense Act of 1949, as amended), without regard to the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842), the Standardized Government Travel Regulations, or section 10 of the Act of March 3, 1933 (5 U.S.C. 73b), and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those to whom subsection (a) is applicable, shall receive compensation at the rate of \$50 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission, as provided for in subsection (a) of this section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ESTABLISHING AN ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. Dawson, from the Committee on Government Operations, submitted the following report:

The Committee on Government Operations, to whom was referred the bill (H.R. 6904) to establish an Advisory Commission on Intergovernmental Relations, having considered the same, report favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Page 2, line 24, strike "cooperation, and" and insert "cooperation;"

Page 3, line 3, strike "functions and" insert "functions."

Page 3, line 3, after the word "responsibilities" insert ", and revenues."

Page 3, line 4, strike "government." and insert "government; and."

Page 3, after line 4, add the following new paragraph:

"(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers."

Page 3, line 7, strike "twenty-four" and insert "twenty-five."

Page 3, line 18, strike "six" and insert "eight."

Page 3, line 20, strike "five" and insert "six."

Page 3, line 24, strike "six" and insert "eight."

Page 4, line 3, strike "One" and insert "Two".

Page 4, line 4, strike "two" and insert "four".

Page 4, line 13, after the word "party" and before the semicolon add "and of the members enumerated in paragraph (7) of subsection (a), not more than one shall be from any one political party".

Page 4, line 14, strike "(5) and" and insert "(5)".

Page 4, line 14, after "(6)" insert ", and (7)".

Page 4, beginning in line 25, strike out "The President, or his designee, shall" and all that follows down through line 2 on page 5.

Page 5, lines 3 and 4, strike out "The Commission shall elect a Chairman and a Vice Chairman from among its members," and insert "The President shall designate a Chairman and Vice Chairman from among members of the Commission."

Page 5, line 9, strike "and".

Page 5, line 9, after "6" insert ", and 7".

Page 5, lines 11 and 12, strike out "one name more than the number of vacancies," and insert "two names for each vacancy."

Page 5, line 16, strike "Twelve" and insert "Thirteen".

Page 6, line 15, strike "of" and insert "authorized by".

Page 8, lines 12 and 13, strike out "expenses, including subsistence" and insert "expenses".

Page 8, line 14, after "subsistence" insert "and mileage".

Page 8, line 14, strike "rate" and insert "rates."

PURPOSE

H.R. 6904, as amended, would establish a permanent bipartisan Advisory Commission on Intergovernmental Relations which, on a continuing basis, will (1) bring together representatives of the Federal, State, and local governments for the consideration of common problems; (2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation; (3) give critical attention to the conditions and controls involved in the administration of Federal grant programs; (4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system; (5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation; (6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and (7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

The underlying purpose of the Commission is to strengthen the ability of our Federal system to meet the problems of an increasingly complex society by promoting greater cooperation, understanding, and coordination of activities between the separate levels of government.

The membership of the Commission would be drawn, for the most part, from among active and responsible public officials at all levels of government. Thus, the Commission would benefit from both the firsthand knowledge of its members of the problems under consideration and their ability to communicate the findings and recommendations of the Commission to their respective levels of government.

It is intended that the Commission will provide guidance to the President and the

Congress for the development of sound Federal policies with respect to State and local government. The Advisory Commission, however, would in no way substitute for or interfere with either the responsibility of the President for the coordination of Federal intergovernmental programs or with the legislative responsibilities of the Congress. It is intended that the Commission will also provide guidance for the development of sound intergovernmental relations at the State and local levels.

The committee wishes to emphasize its intention that the Commission will serve to strengthen State and local government so as to preserve the values of our Federal system. It should be an objective of the Commission to facilitate discussion of intergovernmental problems and to identify governmental responsibilities as they arise, and to make appropriate suggestions and recommendations to the proper level of government if recognized responsibilities are not being met at such level.

BACKGROUND

H.R. 6904 implements a major recommendation of the 30th report of the Committee on Government Operations which was unanimously adopted in August 1958.

In that report (H. Rept. 2533, 85th Cong., 2d sess.) the committee recommended "the establishment of a broadly based Advisory Commission on Intergovernmental Relations, drawing its membership from the Congress, the executive branch, Governors, State legislators, mayors, county officials, and private citizens." The committee envisaged "that such a large body would meet infrequently, but would maintain working committees to deal with special problems and would be assisted by a permanent professional staff."

The recommendation for an Advisory Commission is the result of 3 years of intensive study of Federal-State-local relations by the committee's Intergovernmental Relations Subcommittee. In the course of its investigations the subcommittee held numerous public hearings, including field hearings throughout the country during the fall of 1957, and made questionnaire surveys and special studies.¹ The subcommittee's inves-

¹ The printed hearings and reports are as follows:

Staff Report on Replies from Federal Agencies to Questionnaire on Intergovernmental Relations (August 1956).

Replies from State and local governments to Questionnaire on Intergovernmental Relations, Sixth Report by the Committee on Government Operations (H. Rept. 575), June 1957.

Federal-State-Local Relations. Hearings before a subcommittee of the Committee on Government Operations, House of Representatives (July 29, 30, and 31, 1957).

Federal-State-Local Relations, State and Local Officials. Hearings before a subcommittee of the Committee on Government Operations, House of Representatives:

Part 1: Boston, Mass., and New York, N.Y. (Sept. 30, Oct. 1, 2, 3, 4, and 7, 1957).

Part 2: Chicago, Ill., and Kansas City, Mo. (Oct. 16, 17, 18, 21, and 22, 1957).

Part 3: Denver, Colo., and San Francisco, Calif. (Oct. 24, 25, 28, and 29, 1957).

Part 4: New Orleans, La., and Raleigh, N.C. (Nov. 18 and 19, and Dec. 10 and 11, 1957).

Federal-State-Local Relations (Dade County (Fla.) Metropolitan Government. Hearings before a subcommittee of the Committee on Government Operations, House of Representatives (Nov. 21 and 22, 1957).

Federal-State-Local Relations, Joint Federal-State Action Committee. Hearings before a subcommittee of the Committee on Government Operations, House of Representatives (Feb. 18, 1958).

Federal-State-Local Relations, Nongovernmental Organizations and Individuals. Hear-

tigations pointed strongly to the need for a permanent Advisory Commission to build on the foundation laid by the Commission on Intergovernmental Relations (the Kestnbaum Commission, whose 1955 report to the President and the Congress was referred to and thoroughly studied by the subcommittee), and the need to strengthen communication and relations between the levels of government. The Kestnbaum Commission's 2-year study of intergovernmental relations was the first official undertaking of its kind since the Constitutional Convention in 1787.

Identical bills to establish an Advisory Commission on Intergovernmental Relations were introduced in the House on May 6, 1959, by Representative L. H. FOUNTAIN (H.R. 6904) and Representative FLORENCE P. DWYER (H.R. 6905). A companion Senate bill, S. 2026, was introduced by Senator EDMUND S. MUSKIE for himself and 25 cosponsors.

JOINT HEARINGS

Joint hearings were held on the identical bills, H.R. 6904, H.R. 6905, and S. 2026, by the Intergovernmental Relations Subcommittee and the Senate Committee on Government Operations. In these joint hearings, held on June 16, 17, 19, and 22, 1959, the committees heard 21 witnesses and received written statements from 45 additional individuals or organizations who were unable to be present.

The witnesses included Members of Congress, Governors, mayors representing the two national municipal organizations, a spokesman for the National Association of County Officials, and members of the former Commission on Intergovernmental Relations.

Testimony or statements favoring this legislation were received from 22 Governors. In addition, the committee received communications from 16 Governors who were unable to attend the hearings and who expressed no opinion on the bills. No Governor was opposed to the Commission's establishment.

State Senator Leslie B. Cutler, of Massachusetts, presented the committees in joint hearing with a unanimous resolution adopted June 10, 1959, by the Massachusetts Senate memorializing the Congress to enact this legislation for the establishment of an Advisory Commission on Intergovernmental Relations. Similar resolutions have also been adopted by the American Municipal Association, the U.S. Conference of Mayors, and the National Association of County Officials.

NEED FOR COMMISSION

The need for a permanent Commission to give continuing attention to intergovernmental problems has been widely recognized.

Ten years ago the first Hoover Commission recommended the establishment of a Commission on Intergovernmental Relations.

Last year this committee, after hearings by its subcommittee throughout the United States, made a similar recommendation. In emphasizing the need for a permanent commission the committee stated in its report:

"Occasional studies and ad hoc committees, however useful, are not an effective substitute for the continuous review of intergovernmental programs and problems from the

ings before a subcommittee of the Committee on Government Operations, House of Representatives (Feb. 25 and 26, 1958).

Federal-State-Local Relations, Federal Departments and Agencies. Hearings before a subcommittee of the Committee on Government Operations, House of Representatives, Mar. 26, 27; Apr. 2, 30; May 7, 8; and June 19, 1958.

Federal-State-Local Relations, Federal Grants-in-Aid, 30th Report by the Committee on Government Operations (H. Rept. 2553), August 1958.

standpoint of the Federal system as a whole."²

Last month a joint hearing of the Intergovernmental Relations Subcommittee and the Senate Committee on Government Operations adduced unanimous testimony in support of a permanent commission. This support had no geographical limitations, no political differences, no divisiveness as between levels of government.

The advocacy of distinguished witnesses was universal and reflected many areas of interest and experience; it also, with unconcerted foresight, anticipated numerous arguments which might be made against the proposal by those who are not as close to the problems involved. This report, therefore, incorporates excerpts at some length from their testimony.

EXCERPTS FROM TESTIMONY

Mr. Meyer Kestnbaum, in speaking of the work of the Commission on Intergovernmental Relations which he headed, stated:

"I am sure I need not remind you that the Commission, in making its report, had in mind the fact that its study was only the beginning of a real inquiry into the whole subject.

"I should like to go on record as saying that the idea of a commission that will give the President and the Congress the benefit of careful, incisive research and examination of the many problems that face us in this area, is sound, and that it can fulfill a very important and useful function."

Former Congressman Brooks Hays, who served as a member of the Kestnbaum Commission, addressed himself to what is frequently the first reaction when a commission is proposed. Mr. Hays said:

"I see no escape from what you might call the proliferation of agencies. Now, I do not mean that we can go on just multiplying commissions and agencies, but as we find some new need, and establish a commission, we also find the atrophy of commissions that were born out of another necessity that can be abandoned.

"But to refuse to meet a new need, with imagination, such as underlies this legislation, is simply not to give proper weight to the dynamic character of this Federal system.

"I see no escape from it. In other words, the alternative of doing nothing because you do not want to yield is to assume that we have already achieved the ideal. But we need changes, and inaction is unthinkable with America's genius for going forward in other fields.

"One trouble, Mr. Chairman, is that we have lagged in working this whole political enterprise, as I like to call it. People in America have falsely assumed that the system, being what Gladstone said, largely will operate itself.

"And we have given so much of our intellectual energies in America to other fields—the fields of business, of education, and of religious institutionalism, if I might come into another field that has demanded some of my attention in recent years, as the chairman knows.

"If we could relate these energies to this problem of getting people to recognize their mutual interests and to be less rigid in their loyalties to local, State, and Federal Government so they see the higher level through imaginative eyes, if we could pour some of their righteousness into the political enterprise as distinguished from the valid other loyalties of commerce, and so on, I think we would be meeting the demands of the 20th century, because man is a political creature

and he must not let there to be a lag in this field."

Representative HAROLD C. OSTERTAG, who was also a member of the Kestnbaum Commission, in voicing his support countered the arguments which might be raised against creating a new commission in this way:

"Of course, with any of these proposals we must face the reaction which can be expected to the creation of another commission. But when a good cause is to be served, as in this case, I think this is an obstacle which can be overcome by logical and sound explanations.

"Certainly, there is a continuing need for machinery in our governmental structure to provide the guidance and the balance essential to strengthening our system of Government. The creation of a continuing Commission on Intergovernmental Relations, in my judgment, makes possible such machinery and provides the means for the necessary followthrough which is so important to the very objectives we seek."

Further explaining his support for an advisory commission, Representative OSTERTAG said:

Now, on the former Commission on Intergovernmental Relations, the so-called Kestnbaum Commission, we concluded exhaustive studies in a great many areas of intergovernmental relations. There was not agreement on all of our findings but one thing on which we did agree was that there was a definite need for continuous study and observation of intergovernmental relations in this country. Some felt that this could best be done from an office in the executive. Others felt that a broader independent commission would be more suitable for the purpose. So, while there may be various vehicles for carrying out this work, I feel that the bills which are being considered by this committee are a step in the right direction.

"The aims of the Commission which is proposed are very sound and worthy of attainment. I note that this is to be an advisory commission, but I would hope that this committee would consider more measures for translating the advice and recommendations of such an advisory commission into concrete results."

The committee heard from still another former member of the Kestnbaum Commission, former Gov. Sam H. Jones of Louisiana, who wrote:

"In my opinion there is no validity to the arguments that 'this is just another commission' and 'it has no power and can do nothing.' The wisest thing about our Federal system is that each level of government is, within limitations, autonomous within its own sphere. It is, therefore, within the nature of our system that no one level can completely dominate the other two levels. This legal situation makes an advisory commission the only method by which we can tackle and ultimately solve the accumulated and constantly increasing problems of our three-level system.

"And I might add here that, whilst the controversy between the advocates of States rights and those who lean toward national control is very real and highly publicized, there is another controversy that is just as determined. I refer to the battle that is now raging between the advocates of State control and those who sponsor wider latitude for municipal and county governments. This latter controversy is, in many respects, more difficult than the former because local governments are creatures of the State; while the States are not the creatures of the National Government. It is much more important, therefore, that there should be brought about some forum for the discussion

of State-local problems than for the discussion of national-State problems.

"The proposed Advisory Commission on Intergovernmental Relations would do both."

Gov. Herschel C. Loveless, of Iowa, explained the need for an advisory commission in this way when he appeared before the joint committees:

"The refinement of the science of intergovernmental relations, I am firmly convinced, is an important key to the future success of Government under our Federal system. To compete with totalitarian nations, who command certain efficiencies, however repugnant their philosophy may be to us, we too must develop new methods of obtaining economy and efficiency in our democratic system. Studious efforts to improve coordination and eliminate duplications between the levels of government, both in regulatory functions and in meeting human needs, will I am convinced, do wonders toward obtaining these results.

"Of course, today, as heretofore in our democracy, our problem is a dual one. We do not propose to sacrifice any of our basic liberties under the Federal system in our zeal to make government work more efficiently. But, as I have stated earlier, I am convinced that the true prerogatives of State and local government can best be preserved by constant study and reevaluation of the appropriate roles of each level of government in the complicated pattern of intergovernmental relations.

"Additional studies performed by temporary commissions and ad hoc committees cannot do the job. The face of government changes, too rapidly. A permanent, impartial agency, equipped with the necessary resources, is required for this important work. I submit to you that the proposed Advisory Commission on Intergovernmental Relations is the logical answer."

Gov. G. Mennen Williams, who also testified in person in the joint hearings, said:

"The Advisory Commission would make a significant contribution, I think, if it were to review the areas of coordinate Federal and State responsibility with a view toward raising those unresolved questions of jurisdiction and responsibility that should be considered by both the Federal and State Governments. I am not suggesting any specific directions that either the Federal or State Governments should take but rather recommending that this important series of problems be given the kind of study that an Advisory Commission could provide.

"There is no question in my mind, however, that the whole range of Federal activity should be analyzed constantly with a view toward relieving it of those responsibilities that can be done better or just as well by the States. I suggest this because I feel that the Federal Government should be strengthened in its capacity to do those things which it alone can do. Specifically, I think this encompasses the crucial tasks of foreign relations, national security, and economic stability. * * * I have indicated what appear to me to be the major issues confronting the American Federal-State system. Study of these issues is the basic reason why I feel the proposed Advisory Commission on Intergovernmental Relations is desirable and should be established. Therefore, I urge favorable committee consideration for H.R. 6904 and recommend its quick enactment by the Congress."

Gov. William G. Stratton, of Illinois, wrote the committee that—

"In my opinion, the creation of such a permanent commission is timely and necessary.

"The Federal system of government which is so precious to all of us depends in es-

² H. Rept. 2533, 85th Cong., 2d sess., p. 39.

1959

CONGRESSIONAL RECORD — HOUSE

14703

sence on cooperation and correlated activities of the various State governments and the Federal Government. With the explosive growth of population and urbanization we are now experiencing, it becomes imperative that the relationships among our governments must be harmonious.

"A permanent commission could serve as a clearinghouse for the various studies and investigations which are being made of the functions and responsibilities of our governments. In my opinion, such a commission would not overlap any of the work now being done, including that of the Joint Federal-State Action Committee in which the Governors' conference plays an important role."

Gov. Luther H. Hodges, of North Carolina, expressed his view of the Advisory Commission in this manner:

"From the beginning of my service as Governor of North Carolina, I have had many occasions to deal with vital questions affecting Federal-State relations. It is my present privilege to serve as a member of the Joint Federal-State Action Committee (an unofficial group of State and Federal officials), of which the U.S. Secretary of the Treasury and the Governor of Idaho are currently the cochairmen. In my capacity as Governor and in my capacity as a member of this Joint Federal-State Action Committee, I have become thoroughly convinced that there is a strong need for a continuing and officially recognized advisory agency to give concentrated attention to Federal-State problems.

"Special studies in this area such as was done by the Commission on Intergovernmental Relations are helpful and of course the special attention to the overall problem which has been given by the Intergovernmental Relations Subcommittee of the House Committee on Government Operations has made a great contribution to our understanding in this area. But what is needed is a continuing advisory agency which can take up specific selected problems, work out specific solutions, and provide adequate followup to see that proposed action on specific problems is given adequate consideration by the Federal Government and by the States."

Gov. Foster Furcolo, of Massachusetts, made the point that—

"It is important, moreover, that the present Federal grant-in-aid formulas be surveyed to determine whether they are equitable. It is desirable, too, to have some source of clear and accurate information as to the Federal grant program so that State officials of both the executive and legislative branches of government will have a clear understanding of Federal programs. Such an understanding is vital in the formulation of policy and the establishment and administration of programs within the State."

Senator CLIFFORD P. CASE, of New Jersey, took note in his statement of the effects of the growth of government that has taken place on all levels over the past few decades:

"The interrelation of Federal, State, and local governmental units brought about by this growth has in turn created problems of its own. Our Federal system has had to adjust in a manner undreamed of by our Founding Fathers. Since much of the expansion in government has been on an ad hoc basis, it is perhaps only natural that inefficiency and confusion have frequently accompanied this growth. But it is imperative, for the future, that efforts be made now to insure a more fruitful cooperation between the various levels of government. The proliferation of grant-in-aid programs alone demands continuing study and evaluation. And there are numerous areas of jurisdictional conflict which should receive more attention, particularly in relation to current growth trends.

"I am convinced that the establishment of a permanent Advisory Commission on Intergovernmental Relations would do much in this direction. It is a practical idea and one that could result in concrete suggestions for the improvement of our Federal system. By bringing together officials and experts from all levels of government, the proposed Commission can foster a spirit of cooperation and understanding which is so essential to a proper functioning of a Federal system, and which in turn could pave the way for significant improvements in the administration of cooperative programs.

"More than ever, we need a group of this nature to study the continuing impact of a growing society on a system of government that was originally established for a rural nation of only 3 million people. Thanks to the flexibility of our Constitution, we have been able to adjust to the enormous changes which have taken place since that time. Today, however, we live in an age in which the consequences of change are much more immediate and significant than they were 170 years ago. If we value the basic outlines of our Federal system, with its balance of National and State jurisdictions, we must pay more constant attention to the problems associated with intergovernmental relations.

"I believe that the proposed Commission would prove a valuable and necessary service for the betterment of our system of government."

Representative Chester W. Bowles of Connecticut pointed out the urgency of improving communication between the levels of government:

"The basic problem, as both the Kestbaum Commission and this subcommittee's report have pointed out, is one of communications. It seems impossible in this day and age that a coordinated, effective means of sharing information and ideas between the Federal, State, and local governments does not exist, but unfortunately this is the case.

"As a former Governor of Connecticut, who has faced the confusion and inconsistencies of the present situation from a State capitol, I feel very strongly that the proposed Advisory Commission on Intergovernmental Relations is a constructive, forward step which is long overdue, and I sincerely hope that favorable action on this proposal can be taken soon."

Senator JACOB K. JAVITS, of New York, emphasized the pressing need for systematic and continuous attention to Federal-State relations:

"S. 2026, which would establish an Advisory Commission on Intergovernmental Relations, deals with a problem which has perennially plagued our Federal system, and which has become more pervasive and more acute with the increasing role of the Federal Government in our society. It is high time that the entire problem of relations between the States and the Federal Government be given systematic and sustained attention on a broad basis, since piecemeal attack on the problems of conflict of jurisdiction and administration between them has proved inadequate."

Senator ESTES KEFAUVER, of Tennessee, pointed out the value of the Commission to the committees of Congress:

"In its broadest sense, S. 2026 would, I believe, help tremendously in bringing about a better understanding of mutual problems among officials of local, State, and Federal Governments.

"Such an intergovernmental advisory commission as S. 2026 proposes would also be of great value to the various committees of Congress in providing a broad perspective of the total picture of the programs which now originate in many committees and are directed to many different jurisdictions. Coordination of tax resources is still another

advantage that can be brought about through the functions of the proposed agency."

Representative SILVIO O. CONTE, of Massachusetts, noted that the Commission would be of particular value to State legislatures:

"As a former State legislator, having served for 8 years in the Massachusetts State Senate, I am particularly aware of the desirability of bringing the legislative branch of State government into closer contact with Federal officials in connection with intergovernmental matters. I note with satisfaction that the Advisory Commission would facilitate this objective by including State legislative representation in its membership. Our State legislatures are desperately in need of more information on the many Federal activities that require State and local cooperation. Moreover, I believe their interest in these intergovernmental activities should be stimulated well in advance of the point at which the Congress takes legislative action which, for all practical purposes, necessitates State and local financial and administrative participation. A permanent Advisory Committee should provide an excellent educational medium for developing greater State legislative interest in this field. Such a development, I believe, would be extremely helpful to the legislative committees of the Congress."

Senator WINSTON L. PROUTY, of Vermont, stressed that the Commission would not interfere with the prerogatives of State and local government:

"I cosponsored the Senate bill under consideration only after satisfying myself that such a commission as the bill visualizes offers no threat of interference with State and local units of government. The people of Vermont have always placed a high value on their rights and prerogatives under local units of government. They like to make their own plans and decisions and they have not usually gone out of their way to welcome what they consider outside interference, even though they may know it is intended to be helpful.

"I am convinced that the proposed Advisory Commission on Intergovernmental Relations will not constitute interference. On the contrary, it should help protect the legitimate interests and prerogatives of State and local governmental units, should help eliminate overlapping of operations, provide useful information, and increase efficiency.

"In addition, such a commission should prove most useful to the Federal Government through assisting Congress in assessing local opinion on intergovernmental problems, through smoothing out relationships between Federal agencies and departments and local governments, and in keeping open the channels of communication among the various levels of government."

Representative BYRON L. JOHNSON, of Colorado, pointed out several areas where intergovernmental policies tend to conflict:

"Let me speak first to the powers and duties of the proposed Commission. As the members of the committee know very well, there are a number of areas where Federal, State, and local interests operate less than harmoniously. First, there is, for example, the question of the right of each level of government to tax property owned by another unit and level of government.

"Second, there is the question as to whether interest on the debt obligations of one level of government can properly be taxed by another as part of income taxes.

"Third, there is the question as to whether the payments in lieu of taxes now being made by some Federal agency are adequate and properly related to the impact

of such Federal property upon local taxing jurisdictions.

"Fourth, there is the question of the reasonableness of the shared receipts and revenues on certain public lands. * * *

"Fifth, there are questions as to whether or not certain taxes act as trade barriers, contrary to the constitutional intent.

"Sixth, there is a very sensitive question of the rights of several States to tax the same property or income, because the Federal courts have taken a very permissive attitude toward multiple and overlapping State taxation. Congress and the Federal Government could do much under the Constitution to accomplish substantial uniformity in State laws with great benefit to American businessmen in simplifying their tax compliance. Such improvements need not materially reduce State revenues but should certainly simplify tax administration and enforcement.

"One of the hidden areas in public finance is our lack of knowledge of the cost of compliance upon taxpayers in filling out the thousands of forms that they are required to fill out for the thousands of taxing jurisdictions with which the larger corporations must deal. Many taxpayers are plagued by the inconsistencies and complexities of the various tax jurisdictions having power to tax them.

"Now, these questions will never be resolved if we wait for neighboring States to work out suitable answers. They might be resolved by having a Federal commission conducting continuing research, issuing publications, and holding conferences as background for appropriate changes in law at each level.

"Finally, there is a question of grants-in-aid, which is specifically provided for by H.R. 6904."

Mayor Frank P. Zeidler, of Milwaukee, representing the U.S. Conference of Mayors, described the need for an advisory commission in these terms:

"Bills H.R. 6904 and S. 2026, I believe, would remedy this lack of formal assembly to gather information from all levels of government in order to adjust the difficulties which may exist between these levels. It would also remedy the lack of sense of direction which the Federal, State, and local governments have as to where each one is going with respect to each other. It will provide an avenue for channeling the best technical information and most comprehensive knowledge that is now possessed by experts in the United States in the science of government that this knowledge may be able to improve the inner workings of government in the United States."

Mayor Gordon S. Clinton, of Seattle, testifying for the American Municipal Association, stated that—"because the Commission proposed recognizes the need for equitable, responsible, and knowledgeable representation on the part of all levels of government * * * we feel that the conclusions reached as a result of its deliberations will enjoy considerable acceptance on the part of all levels of government * * *"

"I am certain that we can effect better intergovernmental relationships, that we can encourage and promote realignment of functional responsibilities at various levels of government, that we can do some within the broad framework of government laid down by our Constitution. And, in so doing, be secure in the knowledge that our democratic process and individual freedoms need never be violated in the course of our work."

Mr. Saul I. Stern, chairman of the Montgomery County chapter of the Maryland Municipal League, expressed the thinking of a public official familiar with the problems of small urban communities:

"I believe that those of you who have been in contact with State, county, and municipal officials can agree that the vast majority of these elective and appointive officials are very dedicated and devoted public servants. I believe a great many of the problems, a great part of the inaction, arises from the fact that these particular officials are confused, and they have no course or direction because they are truly bewildered by the complexities of our population and physical growth. And of course all of us who are public officials are staggered by the spiraling costs of government. We wonder where the dollars are going to come from to provide the increased demands of service which our population is insisting upon. And I think that if this Commission is set up—and I am most hopeful that it will be—and if it sits down to determine the roles, functions, duties, and services that the various levels of government should perform in light of these constantly changing conditions imposed by growth, we will have made a real step forward to the solution of the financial as well as a good many of our other problems.

"I think we need to have representatives of the Federal Government and representatives of the State, county, and municipal governments sitting down and discussing these problems together. We need, however, first of all to determine what our common problems are. * * *

If our Federal system is to be workable, if it is to be vital, and if it is to be continued on a strong and firm basis, then we must have this sort of study. But we must have survival of all systems of government. It is my firm belief that as long as people participate in government at all levels we will have a very strong, vibrant, and a really meaningful democracy. And I am most hopeful that the Commission on Intergovernmental Relations will be set up on a continuing basis. I think it should be established now and should be placed on a permanent basis."

NATURE OF COMMISSION

The committee views the Advisory Commission as a political innovation—a new type of organization designed especially to cope with the changing problems encountered in our Federal form of government. It will be a genuine interlevel body, not an agency dominated or controlled by any one level of government.

In providing for the appointment of Commission members, the committee has sought to assure the selection of persons possessing special knowledge and qualifications in this field. Thus, the committee favors the participation of the designated organizations in the selection of State and local members since these organizations are well equipped to recommend outstanding individuals from their respective levels of government. However, the committee also favors the appointment of members from panels as proposed in H.R. 6904, as amended, because it believes the President is in the best position to weigh such considerations as the geographic areas and the type of communities represented so as to produce a well-balanced advisory body.

Similarly, the committee believes that the President is best situated to designate the Chairman and Vice Chairman, who should possess outstanding qualifications for these assignments and a reputation for objectivity which will make them generally acceptable to all levels of government.

The committee studied two other proposals for the appointment of Commission members. It was proposed, on the one hand, that the State and local organizations directly appoint representatives to the Commission, and, on the other hand, that the selection of members be left completely to the discretion of the President. Neither of these proposals is believed as desirable as the procedure recommended by the committee.

It is the committee's intent that the designated organizations will take geographic considerations into account in selecting the panels. Further, the committee is confident that the President and these organizations will work together for the purpose of achieving an objective and geographically balanced body.

It is the committee's expectation that members will come to the Commission with open minds and with the intention of working toward the ultimate goal of responsible and effective government at all levels of our Federal system. In this connection, the committee also believes that the members will not regard themselves as primarily representatives of any particular group, level of government, or geographic area for the advancement of a special point of view. It is intended that the Commission will not urge a Federal solution simply because Federal action appears the easiest course. It is rather intended that it will encourage the assumption of responsibility by the appropriate level or levels of government with respect to any given problem.

It is the committee's expectation that the Commission will establish working subcommittees which will give intensive and continuing study to important problems of concern to the Commission as a whole.

The committee is hopeful that the Commission will function as a coordinating center for the study of intergovernmental relations and will encourage and stimulate attention to the problems in this field not only on the part of government but by the universities and private foundations as well.

COOPERATION OF THE STATES

Consideration was given to the States contributing a portion of the Commission's operating expenses. While the committee believes joint Federal-State financial support is desirable in principle, considerable doubt has been raised as to the practicability of such an arrangement. In order to avoid handicapping the Commission, the committee believes it advisable that the Commission's operating expenses be paid for the present wholly from Federal funds.

However, the committee is of the opinion that the States should and will wish to contribute indirectly to the Commission's support by furnishing staff assistance to the Commission and to its working committees.

It is expected that the State and local governments, collectively through their respective organizations, and individually where feasible, will cooperate actively with the Commission in the collection and analysis of State and local research data and by the assignment, when needed, of appropriate personnel to assist in the conduct of specific research projects.

CONCLUSION

Upon recommendation of the Intergovernmental Relations Subcommittee, the full committee favorably reports H.R. 6904, with amendments, to establish an Advisory Commission on Intergovernmental Relations.

The committee recognizes that the particular organizational features provided by this bill may require adjustment from time to time in response to experience and changing conditions. For the present, however, the committee is satisfied that the bill, as

1959

CONGRESSIONAL RECORD — HOUSE

14705

amended, represents a sound and carefully planned method of accomplishing the important objectives intended for the Commission.

The committee adopted five principal amendments of H.R. 6904 to incorporate recommendations made by witnesses in the joint hearings and by the Director of the Bureau of the Budget. These amendments are: (1) An elaboration of the declaration of purpose to clarify and make more explicit the breadth of the Commission's responsibilities (sec. 2(6), (7)); (2) enlargement of the membership of the Commission from 24 to 25 members, to provide greater representation for county government (sec. 3(a)); (3) enlargement of the size of the panels to be submitted to the President by the several State and local organizations for the appointment of Commission members, in order to afford the President greater flexibility in the appointments (sec. 3 (a), (4), (5), (6), (7)); (4) increase the number of members from county government from one to two (sec. 3 (a), (7)); (5) provision for designation of the Chairman and Vice Chairman of the Commission by the President from among members of the Commission (sec. 4(b)).

In addition, the committee adopted a number of technical perfecting amendments.

ADDITIONAL VIEWS OF HON. CLARE E. HOFFMAN

H.R. 6904 is an outgrowth of the 30th report by the Committee on Government Operations in the 85th Congress. Among the findings of that report—a report in which I concurred—was one to the effect that there was generally favorable acceptance throughout the Nation of the grant-in-aid principle and most existing grant programs.

However, throughout the hearings upon which the report was based, it became apparent that the tangled web of intergovernmental relationships, in a complex which encompasses echelons ranging from the local to the national, was sorely in need of continuing review and coordination.

While I am basically opposed to the Federal Government continually increasing its authority and activities, especially those which should and can be performed by the States and the municipalities, inasmuch as that tendency will continue, we certainly must seek means to make the spending and the controls as efficient and economical as possible.

Perhaps the creation of a commission such as that provided for in the bill will tend to bring about those objectives—that is, less spending, less waste, greater efficiency.

CLARE E. HOFFMAN.

Mr. MEADER. Mr. Speaker, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Speaker, it is a pleasure to associate myself with the remarks of the gentleman from North Carolina, the chairman of the Subcommittee on Intergovernmental Relations, in support of the bill (H.R. 6904) to create a permanent, bipartisan Advisory Commission on Intergovernmental Relations.

The record should show that the legislation has had broad bipartisan backing from its inception as a principal recommendation in the report of the subcommittee last year. The bill before the House today is the product of identical bills introduced together by the subcommittee chairman and the ranking minority member. The joint House-Senate hearings were also conducted in this bipartisan spirit, and the amendments to the bill were discussed together and unanimously agreed upon by the sponsor.

The idea of an Advisory Commission on Intergovernmental Relations was recommended 10 years ago by the first Hoover Commission, and the subsequent experience of the Kestnbaum Commission on Intergovernmental Relations—which was a temporary study group—confirmed the need for a continuing body in this increasingly complex field.

Mr. Kestnbaum, a special advisor to the President on problems of intergovernmental relations, stated his view of this legislation as follows:

I should like to go on record as saying that the idea of a commission that will give the President and the Congress the benefit of careful incisive research and examination of the many problems that face us in this area is sound, and that it can fulfill a very important and useful function.

From his lengthy experience in government, Governor Stratton, of Illinois, endorsed the Advisory Commission as, and I quote, "timely and necessary." He went on to say this:

The Federal system of government which is so precious to all of us depends in essence on cooperation and correlated activities of the various State governments and the Federal Government. With the explosive growth of population and urbanization we are now experiencing, it becomes imperative that the relationship among our governments must be harmonious.

These informed views are typical of those expressed at the hearings. Although testimony was received from persons of all political persuasions and from varied economic and geographical backgrounds, support for an Advisory Commission was virtually unanimous.

The Advisory Commission represents a modest but important attempt to increase a sense of responsibility for politics, for self-government, in the field of Federal-State-local relations. We believe it will help make our Federal system of government a more effective instrument of government in times that are infinitely more complex than when our forefathers established it.

Much has been made of the fact that our political institutions have not kept abreast of the earth-shaking advances in science and engineering, advances that

Analysis of composition of advisory commission

25 members	How appointed	Political affiliation
3 Representatives.....	Speaker of House.....	2 majority, 1 minority.
3 Senators.....	President of Senate.....	Do.
3 officers of executive branch.....	President.....	None specified.
3 private citizens.....	do.....	Without regard to political affiliation.
4 Governors.....	President from panel of at least 8 submitted by Governors' Conference.	Not more than 2 from any 1 political party.
3 State legislators ¹	President from panel of at least 6 submitted by Board of Managers of Council of State Governments.	Not more than 2 from any 1 political party.
4 mayors ¹	President from panel of at least 8 submitted jointly by American Municipal Association and U.S. Conference of Mayors (at least 2 from cities under 500,000).	Not more than 2 from any 1 political party.
2 elected county officers ¹	President from panel of at least 4 submitted by National Association of County Officials.	Not more than 1 from any 1 political party.

¹ Not more than 1 from any 1 State.

CHRONOLOGY OF EVENTS CONNECTED WITH H.R. 6904

August 1955: Kestnbaum Commission report referred to subcommittee.

December 1955: Questionnaire on intergovernmental relations sent to State and local governments.

January 1956: Questionnaire sent to all Federal departments and agencies.

August 1956: Staff report on replies from Federal agencies to questionnaire.

June 1957: Replies from State and local governments to questionnaire (sixth report by committee; H. Rept. No. 575).

July 29-31, 1957: Hearings for planning regional hearings.

September 30-December 11, 1957: Regional hearings (Boston, New York, Chicago, Kansas City, Denver, San Francisco, New Orleans, Raleigh).

November 21-22, 1957: Hearing on Dade County (Fla.) metropolitan government.

February 18, 1958: Hearing, Joint Federal-State Action Committee.

February 24-25, 1958: Hearings, nongovernmental organizations and individuals.

March 26-27; April 2, 30; May 7-8, and June 19, 1958: Hearings, Federal departments and agencies.

August 8, 1958: Thirtieth report by Committee on Government Operations (H.R. 2633), "Federal Grants-in-Aid."

May 6, 1959: H.R. 6904 introduced by Representative FOUNTAIN and H.R. 6905 by Representative DWYER (after informal discussion with Governors and municipal and county organizations).

June 16, 17, 19, and 22, 1959: Joint hearings held by Subcommittee and Senate Committee on Government Operations on H.R. 6904, H.R. 6905, and S. 2026. (Testimony invited by letter from every Member of House, every Governor, all members of State legislatures who testified in regional hearings, Governors' Conference, American Municipal Association, U.S. Conference of Mayors, and the National Association of County Officials. All other interested organizations and persons invited to testify or submit statements through press release printed in CONGRESSIONAL RECORD.)

July 22, 1959: H.R. 6904 with amendments unanimously reported by subcommittee.

July 31, 1959: H.R. 6904 with amendments unanimously reported by Committee on Government Operations.

August 5, 1959: Enactment of H.R. 6904 and S. 2026 urged by unanimous resolution adopted by annual Governors' Conference (San Juan, P.R.). (Similar resolutions adopted earlier by American Municipal Association, U.S. Conference of Mayors, National Association of County Officials, Massachusetts State Senate, etc.).

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Did the Hoover Commission recommend this type of commission be established?

Mr. FOUNTAIN. The first Hoover Commission did, 10 years ago.

have created almost insoluble problems along with the benefits they have made possible. These problems—of transportation and the use of natural resources, for instance, and the accompanying fiscal and social implications—are today plaguing our people at every level of government. These problems involve them all, they are interrelated with others. Yet, today, there is no existing machinery whereby such problems can be seen and understood in the perspective of Federal-State-local relations, the context in which they exist and in which they must be solved.

The Advisory Commission would help fill this gap in our political system. It would be composed of men and women who know what the problems are, who daily are faced with the lack of sufficient information, who understand—because they have been hampered by them—the barriers to necessary cooperation with other levels of government, and who have practical ideas of how best their own governments can be helped to do their essential work.

The Advisory Commission would be established neither to expand the use of Federal grant-in-aid programs nor to restrict them. Its purpose would be to improve them: by better planning based on hitherto unavailable information and data; by a wider, more timely exchange of information among affected governmental units; by more consistent definition of the purposes and limitations of grants-in-aid; by utilizing available experience to determine the most effective criteria, standards, and principles to govern the operation and discontinuance of specific grant programs.

It is generally accepted that the Federal grant method of cooperating with State and local governments has achieved a great deal of good.

The time has come to establish a continuing means whereby grants-in-aid can be made to accomplish their purposes with maximum effectiveness and efficiency and at minimum expense and interference.

This is an entirely new undertaking. No other agency of government resembles it. It is frankly experimental, but I believe it is well worth the effort we make for it. It will not cost much, and there is no danger that it will be tempted to grow and expand like so many bureaucracies have in the past because this will be an informing group, instead of one with administrative and action-type responsibilities.

A great deal of good, I think, can be expected from this project. It is really a matter of self-help, a means of allowing representatives from all levels of government to help work out their own problems and improve mutual understanding and cooperation.

(Mrs. DYWER asked and was given permission to revise and extend her remarks.)

Mr. MEADER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, normally I would find myself in opposition to the establishment of any new bureau or

commission. And I suspect I would be opposed to the establishment of this Commission had it not been for my having served on the subcommittee with the very able chairman, the gentleman from North Carolina, and the gentleman from New Jersey [Mrs. DWYER] in the 85th Congress. And may I take this opportunity to pay a special tribute to both of them for their diligence and untiring efforts in developing this legislation. The subcommittee has worked hard and long listening to witnesses from one end of the country to the other and this bill is the culmination of the subcommittee's efforts.

In my testimony before the subcommittee I dwelt on several facets of this legislation. One was the composition of the Commission, for I thought it very important particularly to those Members of this body who, like myself, have some very strong feelings relative to whether or not we think this should be a big, strong central government or whether we regard it more or less a loose confederation of States. And those of us who have the strong feelings about States rights would certainly be very interested in whom the President appoints to serve on this Commission. I am happy to note in the legislation that, as the chairman has pointed out, this is one Commission that certainly will not be another federally dominated Commission, for the while the President appoints six members, three from the executive branch and three at large, there are four Governors who serve, three State legislators, four mayors—incidentally two of them must come from cities whose population is less than 500,000—and two county officials. So in a sense, aside from the three members who would serve from this body and the three members who would serve from the other body, it is pretty evenly divided between Federal, State and local levels of government. I think that is very important.

When I testified before the subcommittee it was my considered opinion that there would be two principal problems with which the Commission would have to deal in this present day. One is the competition of revenues between the various levels of government and, two, our explosive population growth. I am happy to see again in the legislation that on page 3, paragraph (7), the original bill was amended to include the provision:

(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

I think this is a very important addition to the legislation.

Mr. Speaker, some might question our establishing a permanent advisory commission rather than one on a temporary basis. May I point out again, if I may, the example cited during the course of the hearings, relative to the deficiency of the highway trust fund. We find the President now proposing a tax increase the necessity for which was not foreseen

or envisioned when the highway construction program was originally enacted. Now we see because of the authorized increased highway construction going on throughout the country the trust fund is deficient. How much better it would have been if this commission had been organized so that the President could have called upon the mayors and Governors and county officials and asked for their advice relative to the further financing of this program, for here is where it seems to me the Federal Government is encroaching upon areas where the State and local governments have a primary call for revenue. I think this would be one specific example where the advisory commission might have been brought into play and might have given the President some good advice. Times are changing so rapidly that we cannot expect to keep up with the problems of intergovernmental relations unless there is a permanent commission in being that can be convened on short notice. I believe it can serve a very useful purpose although admittedly we must make certain that those serving on the commission do not stray from our intention that they "recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government."

Mr. MEADER. Mr. Speaker, as the gentleman from North Carolina stated, this bill, H.R. 6904, was reported unanimously by the Committee on Government Operations. However, there is one aspect of it with which I am not pleased, the fact that there is no termination date for the Commission. If the Commission is doing a useful job, its life, of course, can be extended. Despite that objection, I did not oppose the bill in committee.

But I want to call to the attention of the House another aspect of the situation. We have two Subcommittees on Government Operations which have handled legislation of this kind. One is the Subcommittee on Intergovernmental Relations and the other, a Subcommittee on Executive and Legislative Reorganization which reported out a week later a bill, H.R. 7465, to establish a Commission on Metropolitan Problems. Look at the purposes of these two commissions. No one can avoid coming to the conclusion that there is a conflict between them. The minority, the Republicans on the committee, with some aid from the other side, objected to our committee bringing two commissions to this House for approval at the same time.

Mr. Speaker, the Committee on Government Operations, as you know, is charged with the duty of studying the economy and efficiency of operations of the executive branch of the Government including elimination of duplication and waste. Yet this committee brings out bills to create two commissions to do the job of one.

I would have preferred that this bill was not before us under suspension of the rules. If it were open to an amend-

1959

CONGRESSIONAL RECORD — HOUSE

14707

ment, we could say clearly that it is the duty of the Intergovernmental Relations Advisory Commission to study metropolitan problems. Certainly that is one of the fields in which the Federal Government, with the grant-in-aid programs does affect municipalities. I certainly hope when the other bill comes to the House we will have more judgment here than we did in the Committee on Government Operations, and that the House will not create two commissions where one can do the job.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield.

Mr. HARDY. I think the gentleman has made a valid point. Certainly the Commission created by this bill has the authority to go into this whole metropolitan problem. It might well make that a major function. Of course, the question of competent staff personnel is important in this as well as in other phases of the commission's responsibilities but surely adequate competent and experienced people can be found.

Mr. MEADER. I certainly think so. It would be worse if we allowed two commissions to operate in the same field simply because it very well might be that they would have conflicting views on what ought to be done. There either would be conflicts or the two commissions would have to establish liaison staffs and procedures to coordinate their activities and their views, all of which involves costly delay.

Mr. MEADER. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. Gross].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I am surprised that this country has grown as great as it has without a commission to coordinate relations between the States, municipalities, and Federal Government.

Here you are embarking upon another expensive commission in government, and I am opposed to it.

With respect to the cost of this bill we have heard nothing so far as I know. I tried to listen to all of the debate, but I do not believe a word has been said or an estimate given of how much this Commission is going to cost. I note that on page 7 the bill states that the Commission shall have the power to appoint a staff director, and then on page 8 it states that no individual employed in the service of the Commission shall be paid compensation for such employment at a rate in excess of \$20,000 per annum.

That means the staff director will be paid \$20,000 a year, and the staff director, in turn, can appoint and fix the compensation of the personnel. How many?

How expensive a commission is proposed to be set up here? We hear nothing. It could be anything. Then we get into the question of allowances and expenses—allowances for members of the Commission. How much? This is going to be a big Commission. Will some Member advise me whether the Commission members are to be paid \$50 per diem,

plus expense money, transportation, and so forth?

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FOUNTAIN. It is \$50 per diem only for those few members of the Commission who are not employed as full-time salaried officers of Federal, State, and local governments.

Mr. GROSS. What kind of a contribution are the States going to make to this?

Mr. FOUNTAIN. I am glad the gentleman asked that question. I personally was one of those who felt that the States should contribute financially to the operation of this Commission, inasmuch as the States and their local governments would be represented. However, it was found that there is a practical problem in that in almost every State the legislature would have to provide a special appropriation for the Commission. Because of this difficulty, we decided not to insist upon State financial participation.

Mr. GROSS. That would not have been any injurious burden on the States if they were required to appropriate some money to help take care of this.

The U.S. Treasury is not exactly bottomless, you know.

Mr. FOUNTAIN. I quite agree with the gentleman.

I might read the gentleman a few pertinent paragraphs from page 15 of the committee's report on the bill:

Consideration was given to the States contributing a portion of the Commission's operating expenses. While the committee believes joint Federal-State financial support is desirable in principle, considerable doubt has been raised as to the practicability of such an arrangement. In order to avoid handicapping the Commission, the committee believes it advisable that the Commission's operating expenses be paid for the present wholly from Federal funds.

However, the committee is of the opinion that the States should and will wish to contribute indirectly to the Commission's support by furnishing staff assistance to the Commission and to its working committees.

It is expected that the State and local governments, collectively through their respective organizations, and individually where feasible, will cooperate actively with the Commission in the collection and analysis of State and local research data and by the assignment, when needed, of appropriate personnel to assist in the conduct of specific research projects.

Instead of creating new commissions, Congress ought to be abolishing commissions.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FOUNTAIN. Because of limitations of time I did not at the outset go into this, but I have made a very careful study of the possible cost. It is estimated that the total operating expense, excluding rent and the acquisition of permanent office equipment, would be approximately \$179,000 a year. And my studies show that this amount would be adequate for a continuing commission of the type contemplated by this bill.

Mr. GROSS. I will say to the gentleman that I am opposed to this bill. I do not know whether there will be a record vote, but I want the record to show that I am opposed to it.

Mr. MEADER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Speaker, I think 1 minute will be enough. It is heartbreaking to disagree with members of my party, especially when there are only two of us, but I cannot go along with my brother from Iowa [Mr. Gross] on this one. I am as opposed to this business of setting up a new commission with a lot of employees just as much as he is; nevertheless, it seems we will be forced to do something about the spending of billions of dollars. It will be another case of the commission we set up in 1947 and 1948 when we spent a lot of time and money trying to unify the various branches of the armed services. That is what the gentleman from Michigan [Mr. MEADER] tried to point out. That is, we are now trying to prevent the setting up of two instead of one new agency to check on certain activities. That is what we are trying to do today. I am opposed to even one but if the money is to be spent we certainly do not—as the gentleman from Michigan [Mr. MEADER] pointed out—need two outfits on the same job. If it were possible, I would be in favor of stopping the spending right here, but it is not possible. So instead of two groups working at it or two agencies or two commissions, I think we are lucky to get out of it with one.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Illinois.

Mr. MICHEL. May I ask the gentleman one question? Is it not true that under the provisions of the bill all elected public officials would be excluded from the per diem provisions? In other words, you have only 3 of the 25 who are selected by the President who would come under this provision. The rest of us, whether we be in the House or Senate or State officials would not be getting this kind of compensation.

Mr. FOUNTAIN. All employees, Federal, State and local, would be excluded.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. FOUNTAIN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I was a member of the subcommittee which reported this bill out and I happened to also be a member of the subcommittee that considered the bill setting up the other commission that has been referred to. I was one who was very skeptical from the very beginning concerning the establishment of this commission, but after the Governors of many States, the city planners, and city officials came before the committee, I felt a good many of these questions that

are naturally in people's minds were adequately answered. I think certainly we have to make government work more efficiently, as expensive as it is today, and it seems to me the true prerogatives of State and local governments could best be served by a constant study and evaluation of their problems. I finally came to the conclusion that this would probably be money well spent rather than money wasted. At least I think we should try and see if that is the case. If it does not promote efficiency and justify the expectations of those who testified for it, appropriations can be stopped. I did have great apprehension concerning the fact that the President makes all the appointments under this bill. It is possible where the President of one party makes all the appointments to appoint members of the opposite party who happen to be the weakest among the nominees in order not to build up the strongest men in their own areas. But I have found no alternative that would be better, and I finally came to the conclusion that the method of selecting members is the best proposed. After carefully listening to several days of testimony, I came to the conclusion this bill should be passed and I urge its passage.

Mr. FOUNTAIN. Mr. Speaker, I have no further requests for time. I ask unanimous consent that the text of the report on the bill (Rept. No. 742) be placed in the RECORD at the conclusion of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks in the RECORD on the bill now being considered.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MEADER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Speaker, I rise in support of the pending legislation. This bill does seven things.

First, it brings together representatives of the Federal, State and local governments for consideration of common problems; second, provides a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation; third, gives critical attention to the conditions and controls involved in the administration of Federal grant programs; fourth, makes available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system; fifth, encourages discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation; sixth, recommends, within

the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and seventh, recommends methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

Mr. Speaker, when President Eisenhower became the first Republican President in several decades, one of his first acts was the formation of a temporary commission which arose out of the recommendations of the Hoover Commission to do the very thing that this permanent commission we are now setting up is supposed to accomplish. Basically, this need has been made evident by the overlapping of functions in government, local, State and Federal. The establishment of the commission would go a long way to help clarify and to iron out functions of government to the betterment of the people of this Nation.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. BARRY. I yield to the gentleman from New York.

Mr. OSTERTAG. Mr. Speaker, H.R. 6904, a bill to establish an Advisory Commission on Intergovernmental Relations is designed to provide the machinery sorely needed at this time to coordinate the activities and responsibilities of the levels of government under our Federal system.

I want to take this opportunity to commend the Subcommittee on Intergovernmental Relations of the Government Operations Committee for their thorough handling of and sound approach to this problem. This is not a partisan issue, but rather a means for the consideration of the fundamental principles which have made this country great and strong.

Mr. Speaker, prior to my membership in the House of Representatives, I served 19 years in the Legislature of the State of New York. During that time, it was my privilege and honor to serve for 15 of those years as chairman of the New York Committee on Interstate Cooperation and as a member of the board of managers of the Council of State Governments. There has been and continues to be a great need to coordinate the States in order that they may meet the varying and many responsibilities of governments on the State and local level and there is equally a need to provide a better way to develop and solidify the intergovernmental relations so necessary today on a Federal-State basis.

I have often stated, Mr. Speaker, that if our Founding Fathers made an error in establishing the framework under which this great Republic of ours was to function, it was not one of commission but rather one of omission. By that I mean that no machinery was devised for the coordination and cooperation of the several levels of our Republic and Union of States.

I believe I am the only Member of the House who served as a member of the Commission on Intergovernmental Relations back in the years of 1954 and 1955. It was commonly known as the Kestnbaum Commission and I can tell you that it was a rewarding experience. In the letter of transmittal of the Commission's report to the President, Chairman Kestnbaum said in part:

Many of the problems to which we have addressed ourselves have been with us since the founding of the Republic. They are likely to concern us for many years to come. No inquiry of this kind could possibly provide universally satisfactory answers to all of the difficult questions that are under discussion at any particular moment. We are hopeful that this report will be regarded as the beginning rather than the end of a contemporary study of the subject of intergovernmental relations, and that it will stimulate all levels of government to examine their respective responsibilities in a proper balanced Federal system.

Mr. Speaker, there can be no doubt as to the continuing need for study, evaluation and balance in the intergovernmental relationship of our Government. Our Federal system is the greatest and oldest in the whole world but we must not be unmindful of the constant changes that are taking place. Transportation, communication, and the many other fields of development and growth have changed the picture immeasurably since the time this Republic was formed.

Mr. Speaker, in the Commission on Intergovernmental Relations Report, chapter 1 deals with the "Evolution of the American Federal System" and I commend it to each and every Member of the House. It deals with the very background which I believe makes the establishment of the advisory commission as proposed in the legislation before us so necessary.

With the tremendous growth in development and population in this country of ours, intergovernmental relations becomes more and more important to us and our cherished system. Within the past 10 years more than 12 million people have moved to suburban areas and it is estimated that our overall national population will exceed 200 million by the year 1970. Mr. Speaker, precise divisions of governmental activities need always to be considered in the light of varied and shifting circumstances; they need also to be viewed in the light of principles rooted in our history. This proposed Commission might well provide the guidance and balance essential to strengthening our system of government. There are many areas whereby relations can be improved, and a better balance between all levels maintained. The Commission could well provide guidance and lines of authority and responsibility in many fields. Yes, Mr. Speaker, within the constitutional limits of national and State powers, and in the light of nearly 170 years of practical experience, the Commission will be in a responsible role for providing the guidelines best calculated to sustain a workable basis for intergovernmental relations in the future.

(Mr. OSTERTAG and Mr. BERRY asked and were given permission to revise and extend their remarks.)

1959

CONGRESSIONAL RECORD — HOUSE

14709

The SPEAKER. The question is on suspending the rules and passing the bill, H.R. 6904, as amended.

The question was taken; and on a division (demanded by Mr. FULTON) there were—ayes 91, noes 18.

Mr. FULTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 335, nays 31, not voting 68, as follows:

[Roll No. 134]

YEAS—335

Abbutt	Curtin	Holt
Abernethy	Curtis, Mo.	Holtzman
Addonizio	Daddario	Hosmer
Albert	Daniels	Huddleston
Alexander	Davis, Ga.	Hull
Alford	Davis, Tenn.	Ikard
Allen	Dawson	Irwin
Anderson, Mont.	Delaney	Jarman
Andrews	Dent	Jennings
Arends	Denton	Jensen
Ashley	Dermounian	Johnson, Calif.
Ashmore	Diggs	Johnson, Md.
Aspinall	Dixon	Johnson, Wis.
Auchincloss	Dollinger	Jones
Avery	Donohue	Jones, Mo.
Ayers	Dorn, N.Y.	Judd
Baker	Dorn, S.C.	Karsten
Baldwin	Downing	Karth
Baring	Doyle	Kasem
Barr	Dulski	Kastenmeier
Barry	Durham	Kearns
Bass, N.H.	Dwyer	Keith
Bass, Tenn.	Edmondson	Kelly
Bates	Everett	Keogh
Baumhart	Evins	Kilday
Becker	Fallon	Kilgore
Beckworth	Farbstein	King, Calif.
Belcher	Fascell	King, Utah
Bennett, Fla.	Feighan	Kirwan
Bennett, Mich.	Fenton	Kitchin
Blitch	Fisher	Knox
Boggs	Flood	Kowalski
Bolling	Flynn	Laird
Bonner	Flynt	Lane
Bosch	Fogarty	Langen
Bow	Foley	Lankford
Bowles	Forand	Lennon
Boyle	Ford	Lesinski
Brademas	Forrester	Levering
Bray	Fountain	Libonati
Breeding	Frazier	Lindsay
Brewster	Frelinghuysen	Loser
Brooks, La.	Friedel	McCormack
Brooks, Tex.	Garmatz	McCulloch
Broomfield	Gary	McDonough
Brown, Ga.	Gathings	McFall
Brown, Mo.	Gavin	McGinley
Brown, Ohio	Gialmo	McGovern
Broyhill	Glenn	McIntire
Budge	Granahan	McMillan
Burdick	Grant	Machrowicz
Burke, Ky.	Gray	Mack, Ill.
Burke, Mass.	Green, Oreg.	Mack, Wash.
Burleson	Griffin	Madden
Bush	Griffiths	Magnuson
Byrne, Pa.	Gubser	Mahon
Byrnes, Wis.	Hagen	Mailliard
Cannon	Haley	Marshall
Carnahan	Halpern	Matthews
Casey	Hardy	May
Cederberg	Hargis	Meador
Chamberlain	Harmon	Morrow
Chelf	Harris	Metcalf
Chenoweth	Harrison	Meyer
Chiperfield	Healey	Michel
Church	Hebert	Miller, Clem
Clark	Hechler	Miller,
Coad	Hemphill	George P.
Cohelan	Henderson	Mills
Collier	Herlong	Minshall
Colmer	Hiestand	Moeller
Conte	Hoeven	Monagan
Cook	Hoffman, Ill.	Montoya
Cooley	Hoffman, Mich.	Moore
Cramer	Hogan	Moorhead
	Holland	Morgan

Morris, N. Mex.	Rees, Kans.	Stubblefield
Morris, Okla.	Reuss	Sullivan
Moss	Rhodes, Ariz.	Teague, Calif.
Moulder	Rhodes, Pa.	Thomas
Multer	Riehlman	Thompson, N.J.
Murphy	Riley	Thompson, Tex.
Murray	Rivers, Alaska	Thomson, Wyo.
Natcher	Rivers, S.C.	Thornberry
Nelsen	Roberts	Toll
Nix	Robison	Tollefson
Norrell	Rogers, Colo.	Trimble
O'Brien, Ill.	Rogers, Fla.	Tuck
O'Brien, N.Y.	Rogers, Mass.	Udall
O'Hara, Ill.	Rostenkowski	Ullman
O'Hara, Mich.	Roush	Utt
O'Neill	Rutherford	Vanik
Oliver	St. George	Van Zandt
Ostertag	Santangelo	Vinson
Passman	Saund	Wainwright
Patman	Saylor	Walshauer
Pelly	Schenck	Walter
Perkins	Schwengel	Wampler
Pfost	Scott	Weis
Philbin	Selden	Westland
Pirnie	Shelley	Whitener
Pillion	Sheppard	Whitten
Poage	Shipley	Widnall
Poff	Simpson, Ill.	Willis
Preston	Simpson, Pa.	Winstead
Price	Sisk	Wolf
Prokop	Slack	Wright
Pucinski	Smith, Iowa	Yates
Quie	Smith, Miss.	Young
Quigley	Smith, Va.	Zablocki
Rabaut	Spence	Zelenko
Rains	Springer	
Randall	Stratton	

NAYS—31

Adair	Fulton	Rogers, Tex.
Andersen,	George	Rooney
Min.	Gross	Short
Berry	Johansen	Smith, Kans.
Betts	Lafore	Taber
Brock	Latta	Teague, Tex.
Cunningham	Milliken	Weaver
Dague	Mumma	Wharton
Devine	Norblad	Wier
Dingell	O'Konski	Younger
Dowdy	Ray	

NOT VOTING—68

Alger	Goodell	Morrison
Anfuso	Green, Pa.	Osmer
Bailey	Hall	Pficher
Barden	Halleck	Porter
Barrett	Hays	Powell
Bentley	Hess	Reece, Tenn.
Blatnik	Hollfield	Rodino
Boland	Horan	Roosevelt
Bolton	Jackson	Scherer
Boykin	Johnson, Colo.	Sikes
Buckley	Jones, Ala.	Siler
Cahill	Kee	Smith, Calif.
Canfield	Kilburn	Staggers
Carter	Kluczynski	Steed
Celler	Landrum	Taylor
Coffin	Lipscomb	Teller
Corbett	McDowell	Thompson, La.
Curtis, Mass.	McSweeney	Van Pelt
Derwinski	Macdonald	Watts
Dooley	Martin	Williams
Elliott	Mason	Wilson
Fino	Miller, N.Y.	Withrow
Gallagher	Mitchell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Halleck.
Mr. Buckley with Mr. Kilburn.
Mr. Anfuso with Mrs. Bolton.
Mr. Boykin with Mr. Cahill.
Mr. Johnson of Colorado with Mr. Taylor.
Mr. Staggers with Mr. Reece of Tennessee.
Mr. Blatnik with Mr. Osmer.
Mr. Kluczynski with Mr. Miller of New York.
Mr. Morrison with Mr. Lipscomb.
Mr. Thompson of Louisiana with Mr. Horan.
Mr. Powell with Mr. Fino.
Mr. Celler with Mr. Algers.
Mr. Porter with Mr. Scherer.
Mr. Gallagher with Mr. Siler.
Mr. Jones of Alabama with Mr. Withrow.
Mr. Barrett with Mr. Corbett.

Mr. McDowell with Mr. Bentley.
Mr. Williams with Mr. Smith of California.
Mr. Teller with Mr. Van Pelt.
Mr. Sikes with Mr. Martin.
Mr. Roosevelt with Mr. Jackson.
Mr. Rodino with Mr. Dooley.
Mr. Pilcher with Mr. Wilson.
Mr. Boland with Mr. Goodell.
Mr. Bailey with Mr. Mason.
Mr. Steed with Mr. Curtis of Massachusetts.
Mr. Elliott with Mr. Derwinski.
Mr. Coffin with Mr. Hess.
Mr. Macdonald with Mr. Canfield.

Messrs. FOUNTAIN, PELLY, and GAVIN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AGUA CALIENTE (PALM SPRINGS) RESERVATION IN CALIFORNIA

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8587) to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter called the "Secretary") is authorized and directed to do whatever is necessary and proper to equalize as nearly as possible the values of all allotments of land on the Agua Caliente (Palm Springs) Reservation in California in accordance with the provisions of this Act.

SEC. 2. Any member of the Agua Caliente Band (hereinafter called the "band") who is living on the date of the enactment of this Act and who has not received an allotment of land shall be given an allotment in accordance with the provisions of law existing prior to this Act. No further allotments of land shall thereafter be made to any other or future born members of the band, or to their heirs or devisees, except for the purpose of equalization. This prohibition against further allotments shall not be construed as a closing of the band's membership rolls.

SEC. 3. (a) The Secretary shall determine on the basis of the contract appraisals that were made in 1957 and 1958 (1) the value of all unallotted tribal land, and (2) the value of the allotment of each allottee who is living on the date of this Act, excluding the value of any improvements thereon. Where lands of a living allottee have been sold under the supervision of the Secretary, their value for the purpose of equalization shall be the amount received from such sale, excluding the value assigned to any improvements thereon. Where lands of a living allottee have been fee patented to and sold by the allottee, their value for the purpose of equalization shall be the appraised value of the lands, excluding improvements, as of the time of the sale, regardless of the amount received from the sale. The allotments of allottees who are not living on the date of this Act shall be excluded from the equalization program. All values so determined by the Secretary shall be final and conclusive for the purposes of this Act.

(b) In no event shall the following tribal lands be subject to allotment, and they shall henceforth be set apart and designated as tribal reserves for the benefit and use of the band:

Cemetery numbered 1, block 235, section 14, township 4 south, range 4 east.